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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,478	09/30/1999	ROBERT D. TYLER	WICP.68041	5420
5251	7590	09/03/2004	EXAMINER	
SHOOK, HARDY & BACON LLP			LEE, EDMUND H	
2555 GRAND BLVD				
KANSAS CITY,, MO 64108			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/409,478	TYLER
	Examiner EDMUND H. LEE	Art Unit 1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 June 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5,7-18,20 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5,7-18,20 and 23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,5,7,9,13 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 01159234A. JP 01159234A teaches the claimed process as evident by the translated abstract and figs1-3. It should be mentioned that JP 01159234A teaches heating and pressure during the welding step (pg 3, 2nd full paragraph of the upper right column). Also, it should be mentioned that the step of pressing of JP 01159234A is within the definition of “drawing” as implied by the instant specification, i.e., “drawing” is not limited to vacuuming or subjecting to differential pressure.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4, 8 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 01159234A. The above teachings of JP 01159234A are incorporated hereinafter. JP 01159234A, however, does not teach using thermoplastic elastomer as the thermoplastic material; drawing by differential pressure; drawing by applying

vacuum pressure through at least one vacuum aperture in the tool; cooling; and heating and drawing within a oven. In regard to using thermoplastic elastomer as the thermoplastic material, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, elastomeric mats are well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made use a thermoplastic elastomer in the mat of JP 01159234A in order to produce a durable high-quality mat. In regard to drawing by differential pressure, such is well-known in the molding art in order to reduce cycle time. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to draw the sheet of JP 01159234A against the tool of JP 01159234A by differential pressure in order to reduce cycle time and molding complexity. In regard to drawing by applying vacuum pressure through at least one vacuum aperture in the tool, such is well-known in the molding art in order to reduce cycle time. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to draw the sheet of JP 01159234A against the tool of JP 01159234A by applying vacuum pressure through at least one vacuum aperture in the tool of JP 01159234A in order to reduce cycle time and molding complexity. In regard to cooling, such is well-known in the molding art in order to produce an article that can be handled with fear of damaging it. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to cool the mat of JP 01159234A in order to produce a mat that can be handled. In regard to heating and

drawing within a oven, it is well-known in the molding art to combine molding steps and performing molding steps at one location in order to reduce cycle time. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to heat and draw the sheet of JP 01159234A within an oven in order to reduce cycle time.

5. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 01159234A. The above teachings of JP 01159234A are incorporated hereinafter. JP 01159234A, however, does not teach using thermoplastic elastomer as the thermoplastic material; using the claimed thermoplastic elastomer; and drawing by applying vacuum pressure. In regard to using thermoplastic elastomer as the thermoplastic material, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, elastomeric mats are well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made use a thermoplastic elastomer in the mat of JP 01159234A in order to produce a durable high-quality mat. In regard to using the claimed thermoplastic elastomer, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed thermoplastic elastomer blend is well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made use the claimed thermoplastic elastomer blend in the mat of JP

01159234A in order to produce a durable high-quality mat. In regard to drawing by applying vacuum pressure, such is well-known in the molding art in order to reduce cycle time. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to draw the sheet of JP 01159234A against the tool of JP 01159234A by applying vacuum pressure in order to reduce cycle time and molding complexity.

6. Claims 14-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 01159234A. The above teachings of JP 01159234A are incorporated hereinafter. JP 01159234A, however, does not teach using thermoplastic elastomer as the thermoplastic material; using the claimed thermoplastic elastomer; drawing by differential pressure; drawing by applying vacuum pressure through at least one vacuum aperture in the tool; and cooling. In regard to using thermoplastic elastomer as the thermoplastic material, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, elastomeric mats are well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made use a thermoplastic elastomer in the mat of JP 01159234A in order to produce a durable high-quality mat. In regard to using the claimed thermoplastic elastomer, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed thermoplastic elastomer blend is well-known in the molding art.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made use the claimed thermoplastic elastomer blend in the mat of JP 01159234A in order to produce a durable high-quality mat. In regard to drawing by differential pressure, such is well-known in the molding art in order to reduce cycle time. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to draw the sheet of JP 01159234A against the tool of JP 01159234A by differential pressure in order to reduce cycle time and molding complexity. In regard to drawing by applying vacuum pressure through at least one vacuum aperture in the tool, such is well-known in the molding art in order to reduce cycle time. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to draw the sheet of JP 01159234A against the tool of JP 01159234A by applying vacuum pressure through at least one vacuum aperture in the tool of JP 01159234A in order to reduce cycle time and molding complexity. In regard to cooling, such is well-known in the molding art in order to produce an article that can be handled with fear of damaging it. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to cool the mat of JP 01159234A in order to produce a mat that can be handled.

7. Applicant's arguments with respect to claims 1-5,7-18,20 and 23 have been considered but are moot in view of the new ground(s) of rejection.
8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571.272.1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDMUND H. LEE
Primary Examiner
Art Unit 1732

EHL


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